

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-SIXTH LEGISLATIVE DAY
WEDNESDAY, MARCH 14, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senator Lodge, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Joshua Smith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 13, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 14, 2012

The JUDICIARY AND RULES Committee reports that [S 1388](#), [S 1389](#), [S 1390](#), [S 1391](#), [S 1392](#), and [SCR 132](#) have been correctly printed.

DARRINGTON, Chairman

[S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) were referred to the Finance Committee.

[S 1390](#) was referred to the Commerce and Human Resources Committee.

[SCR 132](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2012

The JUDICIARY AND RULES Committee reports that [S 1232](#), [S 1253](#), [S 1265](#), and [S 1266](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1232](#), [S 1253](#), [S 1265](#), and [S 1266](#) and ordered them transmitted to the House for the signature of the Speaker.

March 13, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 549](#) and [H 550](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 549](#) and [H 550](#) were filed for second reading.

March 13, 2012

The EDUCATION Committee reports out [H 590](#) and [H 604](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 590](#) and [H 604](#) were filed for second reading.

March 13, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 582](#) with the recommendation that it do pass.

CORDER, Chairman

[H 582](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 13, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1333](#) and [S 1371](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 13, 2012

Dear Mr. President:

I transmit herewith [H 645](#), [H 634](#), [H 611](#), and [HCR 47](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 645](#), [H 634](#), [H 611](#), and [HCR 47](#) were filed for first reading.

March 13, 2012

Dear Mr. President:

I transmit herewith Enrolled [HCR 36](#) and [HJM 8](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 36](#) and [HJM 8](#) and ordered them returned to the House.

March 13, 2012

Dear Mr. President:

I return herewith [S 1214](#), [S 1272](#), [S 1259](#), [S 1215](#), as amended, [S 1292](#), [S 1308](#), [S 1312](#), [S 1236](#), [S 1277](#), as amended, [S 1278](#), [S 1324](#), [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1268](#), and [S 1301](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1214](#), [S 1272](#), [S 1259](#), [S 1215](#), as amended, [S 1292](#), [S 1308](#), [S 1312](#), [S 1236](#), [S 1277](#), as amended, [S 1278](#), [S 1324](#), [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1268](#), and [S 1301](#) were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, [SCR 131](#) retained its place on the calendar for Thursday, March 15, 2012.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial reappointment of Chris Korell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Siddoway, seconded by Senator Stennett, the Gubernatorial reappointment of Chris Korell as a member of the Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1393 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE GENERAL FUND; PROVIDING NON-GENERAL FUND REAPPROPRIATION; AND PROVIDING GENERAL FUND REAPPROPRIATION.

S 1394 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED FUNDS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; PROVIDING REAPPROPRIATION FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS; AND AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE.

[S 1393](#) and [S 1394](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Lodge was recorded present at this order of business.

[H 645](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 634](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 611](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[HCR 47](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 637](#), [H 641](#), [H 642](#), [H 643](#), and [H 644](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 448](#) and [H 532](#), by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

[H 595](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 522](#), as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 386](#), as amended, and [H 588](#), by Education Committee, were read the second time at length and filed for third reading.

[H 497](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[H 457](#), as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 511](#), as amended, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 450](#), as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[S 1357](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1295](#), as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1339](#), as amended, and [S 1358](#), as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1362](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 464](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Pearce disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Bair, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Vick, Winder. Total - 24.

NAYS—Bilyeu, Bock, Broadsword, Keough, LeFavour, Malepeai, Schmidt, Stennett, Toryanski, Werk. Total - 10.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 464](#) passed, title was approved, and the bill ordered returned to the House.

[S 1373](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 26.

NAYS—Bilyeu, Bock, Broadsword, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 8.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1373](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [H 426](#) and [S 1348](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 426

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 10 through 40; and on page 2, delete lines 1 through 38, and insert:

"SECTION 1. PURPOSE OF ACT. The purpose of this program is to identify those students who are taking courses in grades 7 through 12 at an accelerated rate and provide them with an incentive to participate in dual credit for early completers pursuant to the provisions of Section 33-1626, Idaho Code. The program will provide funding so that a portion of the summer online courses and online overload courses taken by such students will be paid for by the State Department of Education.

SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1628, Idaho Code, and to read as follows:

33-1628. "8 IN 6 PROGRAM." (1) A program is hereby established in the state department of education to be known as the "8 in 6 Program."

(2) If a parent and student agree, by signing the appropriate form provided by the state department of education, to the conditions provided for in paragraphs (2)(a) and (b) of this section, the state department of education will pay for a portion of the cost of summer online courses and online overload courses as provided for in this section from the moneys appropriated for this purpose.

(a) The student and parent agree that the student shall take and successfully complete dual credit or professional-technical education courses for at least a portion of the student's courses during the 11th and/or 12th grade years. Funding for this requirement will not be provided by the "8 in 6 Program."

(b) The student and parent agree that the student shall take and successfully complete at least one (1) summer online or online overload course and a full course load of at least fourteen (14) credits per school year.

(c) The state shall pay two hundred twenty-five dollars (\$225) per one (1) credit summer online course or one (1) credit online overload course taken in this program. Provided however, that if the Idaho digital learning academy (IDLA) receives a state guarantee or appropriation of at least five million dollars (\$5,000,000) for fiscal year 2013, the state shall pay no moneys for the "8 in 6 Program" for that fiscal year, and IDLA shall provide the online courses necessary to meet the needs of the "8 in 6 Program" for that fiscal year, at a cost not to exceed seventy-five dollars (\$75.00) per course.

(d) The state shall pay for no more than two (2) credits of online overload courses per student per school year. The state shall pay for no more than two (2) credits of summer online

courses per student per summer. The state shall pay for no more than a combined total of four (4) credits of summer online or online overload courses per student per year. The state shall pay for no more than a combined total of eight (8) credits of summer online and online overload courses per student during such student's participation in the program.

(3) Participation in this program shall be limited to no more than ten percent (10%) of students in each grade 7 through 12. Such limitation shall be applied initially on a school district-by-school district, grade-by-grade basis. If any grades do not fully utilize their available participation slots, the school district shall reallocate said participation slots to those grades in which more than ten percent (10%) of the students have applied for participation in the program. If any school districts do not fully utilize their available participation slots by July 1, the state department of education shall reallocate said participation slots to those districts in which more than ten percent (10%) of the students have applied for participation in the program. Students accepted into the program shall remain in the program from year to year unless they sign a withdrawal form developed by the state department of education. If a participating student transfers from one (1) school district to another, such student shall remain enrolled in the program, the ten percent (10%) participation limitation of the student's new school district notwithstanding. The state department of education shall maintain a list of participants.

(a) If the number of students applying for participation in the "8 in 6 Program" exceeds the number of participation slots available in the school district, the school district shall establish participation preference criteria. Such criteria shall include students who have successfully completed at least one (1) online course prior to participating in the program, and may include any of the following:

- (i) Grade point average;
- (ii) State-mandated summative achievement test results;
- (iii) Other school district administered student assessments.

(b) If a student participating in the program fails to complete with a grade of "C" or better one (1) or more summer online or online overload courses while in the program, the student must pay for and successfully complete a summer online or online overload course with a grade of "C" or better before continuing in the program.

(4) Procedures for participating in the "8 in 6 Program" include the following: The school district shall make reasonable efforts to ensure that any student who considers participating in the program considers the challenges and time necessary to succeed in the program. Such efforts by the district shall be performed prior to a student participating in the program.

(5) Eligible courses. To qualify as an eligible course for the program, the course must be offered by a provider accredited by the organization that accredits Idaho high schools or an organization whose accreditation of providers is recognized by the organization that accredits Idaho high schools. Dual credit, advanced placement and concurrent enrollment courses are not eligible under this program.

(6) The state board of education is hereby authorized to promulgate rules to implement the provisions of this section.

(7) Definitions:

(a) "8 in 6 Program" means the two (2) years of junior high, the four (4) years of high school and the first two (2) years of college or professional-technical preparation that normally take eight (8) years to complete are compressed into six (6) years by taking full course loads during the school year and

one (1) or two (2) online courses during the summer or as online overload courses.

(b) "Full course load" means no fewer than fourteen (14) credits per school year.

(c) "Overload course" means a course taken that is in excess of or more than the number of courses taken in the normal school day as a normal school day is defined for fractional average daily attendance purposes by the state department of education.

(d) "Parent" means parent or parents or guardian or guardians.

(e) "School district" means an Idaho school district or a public charter school that provides education to any grades 7-12.

(f) "School year" means the normal school year that begins upon the conclusion of the break between grades and ends upon the beginning of the same break of the following year."

CORRECTION TO TITLE

On page 1, delete lines 2 through 8, and insert:

"RELATING TO EDUCATION; TO PROVIDE A PURPOSE; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1628, IDAHO CODE, TO ESTABLISH THE "8 IN 6 PROGRAM," TO ESTABLISH PROVISIONS RELATING TO THE STATE DEPARTMENT OF EDUCATION PAYING FOR CERTAIN SUMMER ONLINE AND ONLINE OVERLOAD COURSES, TO ESTABLISH CRITERIA RELATING TO PARTICIPATION IN THE PROGRAM, TO ESTABLISH PROVISIONS RELATING TO ELIGIBLE COURSES, TO PROVIDE FOR RULES AND TO PROVIDE DEFINITIONS."

SENATE AMENDMENT TO S 1348

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 11 through 40; and delete pages 2, 3 and 4, and insert:

"SECTION 1. That Section 39-4509, Idaho Code, be, and the same is hereby amended to read as follows:

39-4509. STATEMENT OF POLICY – DEFINITION. For purposes of sections 39-4509 through 39-4515, Idaho Code:

(1) The legislature recognizes the established common law and the fundamental right of adult persons to control the decisions relating to the rendering of their medical care, including the decision to have life-sustaining procedures withheld or withdrawn. The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits. The legislature further finds that patients are sometimes unable to express their desire to withhold or withdraw such artificial life prolongation procedures which provide nothing medically necessary or beneficial to the patient because of the patient's inability to communicate with the physician.

(2) In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of this state shall recognize the right of a competent person to have his or her wishes for medical treatment and for the withdrawal of artificial life-sustaining procedures carried out even though that person is no longer able to communicate with the physician.

(3) It is the intent of the legislature to establish an effective means for such communication. It is not the intent of the legislature that the procedures described in sections 39-4509

through 39-4515, Idaho Code, are the only effective means of such communication, and nothing in sections 39-4509 through 39-4515, Idaho Code, shall impair or supersede any legal right or legal responsibility which a person may have to effect the withholding or withdrawal of life-sustaining procedures in any lawful manner, provided that this sentence shall not be construed to authorize any violation of section 39-4514(3), Idaho Code. Any authentic expression of a person's wishes with respect to health care should be honored.

(4) "Competent person" means any emancipated minor or person eighteen (18) or more years of age who is of sound mind.

SECTION 2. That Section 39-4513, Idaho Code, be, and the same is hereby amended to read as follows:

39-4513. IMMUNITY. (1) No emergency medical services personnel, health care provider, facility, or individual employed by, acting as the agent of, or under contract with any such health care provider or facility shall be civilly or criminally liable or subject to discipline for unprofessional conduct for acts or omissions carried out or performed in good faith pursuant to the directives in a facially valid POST form or living will or by the holder of a facially valid durable power of attorney or directive for health care.

(2) Any physician or other health care provider who for ethical or professional reasons is incapable or unwilling to conform to the desires of the ~~patient~~ person who may give consent to care for the patient under section 39-4504, Idaho Code, as expressed by the procedures set forth in this chapter may, subject to the requirements of section 39-4514(3), Idaho Code, withdraw without incurring any civil or criminal liability provided the physician or other health care provider, before withdrawal of his or her participation, makes a good faith effort to assist the patient in obtaining the services of another physician or other health care provider who is willing to provide care for the patient in accordance with the patient's expressed or documented wishes.

(3) No person who exercises the responsibilities of a durable power of attorney for health care in good faith shall be subject to civil or criminal liability as a result.

(4) Neither the registration of a health care directive in the health care directive registry under section 39-4515, Idaho Code, nor the revocation of such a directive requires a health care provider to request information from that registry. The decision of a health care provider to request or not to request a health care directive document from the registry shall be immune from civil or criminal liability. A health care provider who in good faith acts in reliance on a facially valid health care directive received from the health care directive registry shall be immune from civil or criminal liability for those acts done in such reliance.

(5) Health care providers and emergency medical services personnel may disregard the POST form or a POST identification device:

- (a) If they believe in good faith that the order has been revoked; or
- (b) To avoid oral or physical confrontation; or
- (c) If ordered to do so by the attending physician.

SECTION 3. That Section 39-4514, Idaho Code, be, and the same is hereby amended to read as follows:

39-4514. GENERAL PROVISIONS. (1) Application. Except as specifically provided herein, ~~t~~This chapter shall have no effect or be in any manner construed to apply to persons not executing a living will and durable power of attorney for health

care or POST form pursuant to this chapter nor shall it in any manner affect the rights of any such persons or of others acting for or on behalf of such persons to give or refuse to give consent or withhold consent for any medical care, neither shall this chapter be construed to affect chapter 3 or chapter 4, title 66, Idaho Code, in any manner.

(2) Euthanasia, mercy killing, or assisted suicide. This chapter does not make legal, and in no way condones, euthanasia, mercy killing, or assisted suicide or permit an affirmative or deliberate act or omission to end life, other than to allow the natural process of dying.

(3) Withdrawal of care. Assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision maker in accordance with section 39-4504, Idaho Code. Health care other than assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogated decision maker in accordance with section 39-4504, Idaho Code, unless such care would be futile care as defined in subsection (6) of this section. Except as specifically provided in chapters 3 and 4, title 66, Idaho Code, health care, assisted feeding or artificial nutrition and hydration, the denial of which is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision maker in accordance with section 39-4504, Idaho Code, shall be withdrawn and denied in accordance with a valid directive. This subsection does not require provision of treatment to a patient if it would require denial of the same or similar treatment to another patient.

(34) Comfort care. Individuals caring for a patient for whom artificial life-sustaining procedures or artificially administered nutrition and hydration are withheld or withdrawn shall provide comfort care as defined in section 39-4502, Idaho Code.

(45) Presumed consent to resuscitation. There is a presumption in favor of consent to cardiopulmonary resuscitation (CPR) unless:

- (a) A completed living will for that person is in effect, pursuant to section 39-4510, Idaho Code, and the person is in a terminal condition or persistent vegetative state; or
- (b) A completed durable power of attorney for health care for that person is in effect, pursuant to section 39-4510, Idaho Code, in which the person has indicated that he or she does not wish to receive cardiopulmonary resuscitation, or his or her representative has determined that the person would not wish to receive cardiopulmonary resuscitation; or
- (c) The patient has a completed physician orders for scope of treatment (POST) form indicating otherwise and/or proper POST identification pursuant to section 39-4502(13), Idaho Code.

(56) Futile care. Nothing in this chapter shall be construed to require medical treatment that is medically inappropriate or futile; provided that this subsection does not authorize any violation of subsection (3) of this section. Futile care does not include comfort care. Futile care is a course of treatment:

- (a) For a patient with a terminal condition, for whom, in reasonable medical judgment, death is imminent within hours or at most a few days whether or not the medical treatment is provided and that in reasonable medical judgment will not improve the patient's condition; or

(b) The denial of which in reasonable medical judgment will not result in or hasten the patient's death.

(67) Existing directives and directives from other states. A health care directive executed prior to July 1, 2007, but which was in the living will, durable power of attorney for health care, DNR, or POST form pursuant to prior Idaho law at the time of execution, or in another form that contained the elements set forth in this chapter at the time of execution, shall be deemed to be in compliance with this chapter. Health care directives or similar documents executed in another state that substantially comply with this chapter shall be deemed to be in compliance with this chapter.

(78) Insurance.

(a) The making of a living will and/or durable power of attorney for health care or physician orders for scope of treatment (POST) form pursuant to this chapter shall not restrict, inhibit or impair in any manner the sale, procurement or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of artificial life-sustaining procedures from an insured patient, notwithstanding any term of the policy to the contrary.

(b) No physician, health care facility or other health care provider and no health care service plan, insurer issuing disability insurance, self-insured employee plan, welfare benefit plan or nonprofit hospital service plan shall require any person to execute a living will and durable power of attorney for health care or physician orders for scope of treatment (POST) form as a condition for being insured for, or receiving, health care services.

(89) Portability and copies.

(a) A completed physician orders for scope of treatment (POST) form signed by a physician shall be transferred with the patient to, and be effective in, all care settings including, but not limited to, home care, ambulance or other transport, hospital, residential care facility, and hospice care. The POST form shall remain in effect until such time as there is a valid revocation pursuant to section 39-4511, Idaho Code, or new orders are issued by a physician.

(b) A photostatic, facsimile or electronic copy of a valid physician orders for scope of treatment (POST) form may be treated as an original by a health care provider or by an institution receiving or treating a patient.

(910) Registration. A directive or the revocation of a directive meeting the requirements of this chapter may be registered with the secretary of state pursuant to section 39-4515, Idaho Code. Failure to register the health care directive shall not affect the validity of the health care directive.

(101) Rulemaking authority.

(a) The department of health and welfare shall adopt those rules and protocols necessary to administer the provisions of this chapter.

(b) In the adoption of a physician orders for scope of treatment (POST) or DNR protocol, the department shall adopt standardized POST identification to be used statewide."

CORRECTION TO TITLE

On page 1, delete lines 2 through 9, and insert:

"RELATING TO THE MEDICAL CONSENT AND NATURAL DEATH ACT; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 39-4513, IDAHO CODE, TO REVISE PROVISIONS RELATING TO HEALTH

CARE PROVIDERS UNWILLING TO CONFORM TO THE DESIRES OF PATIENTS AND THOSE AUTHORIZED TO CONSENT FOR THEM; AND AMENDING SECTION 39-4514, IDAHO CODE, TO PREVENT THE DISCRIMINATORY DENIAL OF CERTAIN HEALTH CARE INCLUDING ASSISTED FEEDING OR ARTIFICIAL NUTRITION AND HYDRATION UPON CERTAIN CIRCUMSTANCES."

The Committee also has [S 1380](#) and [S 1282](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

[S 1348](#), as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 426](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 133

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING SEVEN IDAHO SERVICEMEN WHO FOUGHT AND LOST THEIR LIVES IN IRAQ AND AFGHANISTAN WITHIN THE PAST YEAR.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, American service members, many of them Idahoans, or their family members have served their country honorably and at great personal sacrifice in the wars in Iraq and Afghanistan; and

WHEREAS, seven persons with Idaho ties paid the ultimate sacrifice within the past year; and

WHEREAS, U.S. Army Private First Class Robert Near was killed in action in Kandahar, Afghanistan, on January 7, 2011, and has ties to the Nampa area. Those who knew Robert Near from his grandmother to his Army commanders remember him as happy. His grandmother said of him that you could not make him mad and that "never in his life did he sass me." Robert and his father lived with his grandmother who would play video games with him and Robert would pull weeds for her in her yard. His father said Robert grew up with a healthy curiosity, a penchant for chess and a positive attitude. Robert moved to Nampa and studied computer programming and repair at the Centennial Job Corps. Robert is survived by his grandmother, father, a brother and three sisters; and

WHEREAS, U.S. Army Sergeant Nathan Beyers of Coeur d'Alene was killed in action on July 7, 2011, in Baghdad, Iraq. Nathan had been an Idaho resident for a number of years and his wife Vanessa Beyers and daughter, born November 11, 2010, live in the Coeur d'Alene area. An avid hunter, fisherman, camper and golfer, Nathan is most remembered as a dedicated family man. Recalling his visit home on leave a few months after the birth of their daughter, Vanessa said, "Nathan was proud of his job and of serving our country. He died doing something he loved and was such a brave person"; and

WHEREAS, U.S. Army Specialist Nicholas Newby of Coeur d'Alene was killed in action on July 7, 2011, in Baghdad, Iraq. Nicholas could play a variety of musical instruments, including guitar, bass guitar, saxophone and drums. He was intellectually curious and an avid reader. While in Iraq Nick was completing college courses via the Internet. His parents said Nick would do anything for anybody who needed his help. He would stick by his friends and never gave up on anybody. He also enjoyed his truck and loved thrashing it and then fixing it. He had a great sense of humor ever since he was a kid. Once he saw his pregnant mother drinking orange juice and said, "Mom, you're getting orange juice all over the baby." Nick loved his family and everybody loved him. He is survived by his mother, father, stepmother, stepfather and two brothers; and

WHEREAS, U.S. Army Sergeant Devin Daniels of Council was killed in action on August 25, 2011, in Helmand Province, Afghanistan. Devin was raised in Council and graduated from Eagle High School. Devin was a new father and was able to be home on leave for the birth of his daughter in January of 2011. Devin also loved hunting in Idaho with his dad, and loved the outdoors in general. He told his mom, "You can take the boy out of Idaho, but you can never take Idaho out of the boy." Devin and his mother live by the motto "Winners never quit, and quitters never win." Devin is survived by his wife and daughter, his parents, grandparents, great-great grandmother, two brothers and a sister; and

WHEREAS, U.S. Army Specialist Robert Dyas of Nampa was killed in action on September 21, 2011, in Kandahar, Afghanistan. Robert loved the great outdoors, especially hunting and fishing. Robert said that he drew daily on the hunting instincts taught to him by his stepfather. Robert was reared and educated in Nampa where he blossomed into an outstanding young man. Robert attended elementary school through high school in Nampa, where he played baseball, starting with T-ball, on up through Skyview High School. He also played golf in high school where Nampa mayor Tom Dale was his mentor. Robert earned his GED and took night classes to become an electrician, and by day was an apprentice working for an electrical contractor. Robert had a sense of humor unlike any other. No matter who he was around, he could make you cry from laughing. He loved classic hot-rod cars and had just purchased a 1966 Pontiac LeMans on eBay. He dreamed of owning a small farm, starting a family with his fiancée and driving his Pontiac. Robert is survived by his father and mother, stepfather, grandfather, four sisters, a brother and his fiancée; and

WHEREAS, U.S. Army Sergeant Ryan Sharp of Idaho Falls was injured in Pa'in Kelay, Afghanistan, and passed on December 3, 2011, at Landstuhl Regional Medical Center in Landstuhl, Germany. Ryan was a graduate of Skyline High School in Idaho Falls. He enjoyed baseball, welding and spending time outdoors. Ryan will be remembered for his compassion, his kind heart and his love for his country. After enlisting in the U.S. Army in October 2002, Ryan proudly served his country on three tours of duty, one in Iraq, and he was serving his second tour in Afghanistan in support of Operation Enduring Freedom. His sister Michelle said, "Ryan was proud to be a soldier. He did it with exactness. He did his job with integrity." Ryan is survived by two daughters, a stepdaughter, his mother and father, two brothers, two sisters and paternal grandparents; and

WHEREAS, U.S. Marine Corps Lance Corporal Kenneth Cochran of Wilder was killed in action on January 15, 2012, in Helmand Province, Afghanistan. Kenneth was a graduate of Parma High School. While in school he was very active in the COSSA auto program, winning numerous awards. While in school, Kenneth won first place in the district's Patriot's Pen Contest. He placed second in the Veterans of Foreign Wars

Regional Competition. Kenneth was outgoing and enthusiastic – a genuinely nice young man, who didn't know a stranger. He was well-liked and admired by fellow students and his coworkers in the Marine Corps. He was always the first to work and the last to leave. Kenneth lived each day to the best of his ability, sharing his advanced skill set to benefit friends and coworkers. While in Afghanistan he was fortunate to have served some of his tour in a camp close to his older sister, Joyce, who is also serving in the theatre. He is survived by his father and mother who were both officers in the United States military, and his brother and two sisters.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor and memorialize Private First Class Robert J. Near, Sergeant Nathan R. Beyers, Specialist Nicholas W. Newby, Sergeant Devin J. Daniels, Specialist Robert E. Dyas, Sergeant Ryan David Sharp and Lance Corporal Kenneth E. Cochran for their unselfish service to our country, fighting for our freedoms, and recognize, honor and memorialize their ultimate sacrifice.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized to send a copy of this Concurrent Resolution to the immediate families of the servicemen mentioned above.

SCR 133 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1384 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **S 1384** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 512**, as amended, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Fulcher, Goedde, LeFavour, Lodge, Malepeai, Mortimer, Pearce, and Toryanski, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 14, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1348](#) and [H 426](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 14, 2012

The JUDICIARY AND RULES Committee reports that [S 1348](#), as amended, has been correctly engrossed.

DARRINGTON, Chairman

[S 1348](#), as amended, was filed for first reading.

March 14, 2012

The STATE AFFAIRS Committee reports out [H 491](#), as amended, and [S 1387](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 491](#), as amended, and [S 1387](#) were filed for second reading.

March 14, 2012

The FINANCE Committee reports out [S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) were filed for second reading.

March 14, 2012

The JUDICIARY AND RULES Committee reports that [S 1214](#), [S 1215](#), as amended, [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1236](#), [S 1259](#), [S 1268](#), [S 1272](#), [S 1277](#), as amended, [S 1278](#), [S 1292](#), [S 1301](#), [S 1308](#), [S 1312](#), and [S 1324](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1214](#), [S 1215](#), as amended, [S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1236](#), [S 1259](#), [S 1268](#), [S 1272](#), [S 1277](#), as amended, [S 1278](#), [S 1292](#), [S 1301](#), [S 1308](#), [S 1312](#), and [S 1324](#) and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 14, 2012

Dear Mr. President:

I transmit herewith Enrolled [HCR 39](#) and [HCR 48](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 39](#) and [HCR 48](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

Senators Fulcher, Goedde, LeFavour, and Lodge were recorded present at this order of business.

S 1395

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE BOARD OF DIRECTORS OF THE STATE INSURANCE FUND; AMENDING SECTION 72-901, IDAHO CODE, TO REVISE BOARD MEMBER COMPENSATION.

S 1396

BY FINANCE COMMITTEE

AN ACT

RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF JUVENILE CORRECTIONS; AMENDING SECTION 2, CHAPTER 297, LAWS OF 2011, TO SHIFT MONEYS BETWEEN EXPENSE CLASSES; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1397

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2013; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

S 1398

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1399
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2013; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR THE VARIOUS PROJECTS SPECIFIED; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; AND PROVIDING LEGISLATIVE INTENT RELATING TO THE REALLOCATION OF PROJECT SAVINGS.

S 1400
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2013; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

[S 1395](#), [S 1396](#), [S 1397](#), [S 1398](#), [S 1399](#), and [S 1400](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 426](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[S 1348](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Malepeai and Mortimer were recorded present at this order of business.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of [H 450](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 450](#), as amended in the Senate, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Andreason, Pearce, Toryanski. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

Senator Toryanski was recorded present at this order of business.

[H 450](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—Schmidt. Total - 1.

Absent and excused—Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared [H 450](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Senator Pearce was recorded present at this order of business.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1357](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1357](#), as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1357](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1357](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1362](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1362](#), as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1362](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Cameron, Darrington, Davis, Hammond, Heider, Hill, LeFavour, Lodge, McKenzie, Schmidt, Smyser, Tippetts, Toryanski. Total - 13.

NAYS—Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Fulcher, Goedde, Johnson, Keough, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Stennett, Vick, Werk, Winder. Total - 21.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared that [S 1362](#), as amended, had failed to pass the Senate and ordered the bill filed in Office of the Secretary of Senate.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Fulcher, that all rules of the Senate interfering with the immediate passage of [S 1295](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1295](#), as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1295](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Werk, Winder. Total - 28.

NAYS—Fulcher, McKague, McKenzie, Nuxoll, Pearce, Vick. Total - 6.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [S 1295](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Third Reading Calendar was reordered placing **H 595** at the head of the calendar, followed by Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:45 p.m. until the hour of 9 a.m., Thursday, March 15, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary